

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Atsushi SONE et al.

Allowed: March 8, 2007

Application No.: 10/562,567

Confirmation No.: 7878

Filed: December 27, 2005

Art Unit: 1773

For: OPTICAL MULTILAYER FILM,
POLARIZING PLATE AND OPTICAL
PRODUCT

Examiner: V. Chen

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following comments are submitted in response to the Examiner's Reasons For Allowance dated March 8, 2007 in connection with the above-identified application.

Applicants have reviewed the Reasons for Allowance provided by the Examiner, and find the "Reasons" confusing and inconsistent with the prosecution history. For example, the Examiner states at page 3, lines 2-8 of the Notice of Allowability, that:

The prior art of record fails to disclose or suggest the recited multilayer optical film comprising in the following order: (1) a transparent base layer, (2) a low refractive index layer comprising a transparent porous bubble-containing body derived from hydrolyzable organosilicon compounds; and (3) a hard coat layer in that order; wherein the low refractive index layer and hard coat layer satisfies the Formulas [1]-[3], in view of the showings in the specification and in the SONE declaration filed 12/11/2006 with respect to the criticality of the recited refractive indices and relationships thereof.

Applicants respectfully believe that the Examiner merely misstated the correct order of the layers. Claim 1 recites that the order of layers is (1) the base film, (2) the hard coat layer and (3) the low refractive index layer. Also, there is possibly another intervening layer on one surface of the base film. This order is consistent with the dependent claims and Figs. 1 and 2 of the present invention.

This appears to have been an oversight and is only tertiarily relevant, since the Examiner is not relying on the particular order of the layers in her Reasons For Allowance. The Examiner further states that it is the composition/properties of the layer(s) which renders the instant invention patentable over the prior art. Specifically, at page 3, lines 8-11, the Examiner states:

Specifically, IKEYAMA ET AL and OKA ET AL fail to disclose the recited organosilicon-based porous bubble-containing low refractive index layer; MIYATAKE ET AL '121 fails to disclose the low refractive index layers satisfying Formula [1].

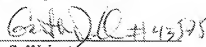
In addition, the Examiner appears to have misquoted claim 1 unintentionally with respect to the composition of the low refractive index layer. Specifically, the low refractive index layer comprises a hydrolyzable organic silicon compound *or a hydrolyzed product thereof*. In the Examiner's Reasons For Allowance, the Examiner only mentioned the hydrolyzable organic silicon compound. This appears to have just been an oversight on the Examiner's part.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq. (Reg. No. 43,575) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: MAY 10 2007

Respectfully submitted,

By 
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